

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEITH GRAUS,

Plaintiff,

Civil Case Number: 06-14102

v.

CORRECTIONAL MEDICAL SERVICES,

DIST. JUDGE PAUL D. BORMAN
MAG. JUDGE PAUL J. KOMIVES

Defendant.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION IN FAVOR OF DISMISSING WITHOUT PREJUDICE
PLAINTIFF'S COMPLAINT (DOCK. NO. 12)**

Before the Court is the Magistrate Judge's August 3, 2007 Report and Recommendation in favor of dismissing Plaintiff's Complaint without prejudice. Defendant asked the Court, in its May 15, 2007 motion (Dock. No. 10), to grant the Motion to Dismiss with prejudice. The Magistrate Judge agreed with Defendant that the Motion to Dismiss should be granted, but disagreed with Defendant's argument that the Complaint should be dismissed with prejudice. Having reviewed that Report and Recommendation, and Petitioner's objections thereto, the Court enters as its findings and conclusions the Report and Recommendation DISMISSING WITHOUT PREJUDICE Plaintiff's Complaint. As a result of this holding, the Court finds that Defendant's October 26, 2006 Motion to Dismiss (Dock. No. 7) is MOOT.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 31, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served plaintiff and on the attorneys of record by electronic means or U.S. Mail on August 31, 2007.

s/Denise Goodine

Case Manager